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### IN THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF TEXAS **HOUSTON DIVISION**

Michael N. Milby, Clerk

IN RE:	§	
	§	CASE NO. 01-31223-H4-13
MICHAEL PORTER HICKS, SR.	§	
and CAROLYN SUE HICKS,	§	<b>CHAPTER 13 PROCEEDING</b>
105 Bartlett Road	§	
Sealy, Texas 77474	§	
• •	§	
Debtors.	§	

### CATHERINE TAYLOR INDIVIDUALLY AND AS NEXT FRIEND FOR **CHARLES TAYLOR, NCM THIRD AMENDED CHAPTER 13 CLAIM**

#### TO THE COURT:

Now comes Catherine Taylor individually and as next friend for Charles Taylor, NCM, to Amend the claim based on a final judgment for \$28,699,753.18 as proof for the third amended claim filed July 9, 2001, amended July 29, 2001, October 29, 2002 and May 8, 2003 as attached.

Respectfully submitted,

JAMES CHARLES FOGO State Bar No. 07207520 Fed. Adm. I.D. No. 4187 122 Tuam Houston, Texas 77006 713-807-7744 Fax 713-807-0030 Attorney for Claimants Catherine Taylor individually and As next friend of Charles Taylor, NCM Case 01-31223 Document 86 Filed in TXSB on 05/08/03 Page 2 of 18 FORM B10 (Official Form 10) (9/97)

FORM B10 (Official Form 10) (4/01) PROOF OF CLAIM UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF TEXAS Case Number 01-31223-H4-13 Name of Debtor Michael Porter Hicks, Sr. Carolyn Sue Hicks NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503. Name of Creditor (The person or other entity to whom the debtor owes United States Courts ☐ Check box if you are aware that Southern District of Texas money or property): anyone else has filed a proof of ..., FILED Catherine Taylor, individually and as next friend of and guardian for claim relating to your claim. Attach Charles Taylor, NCM copy of statement giving particulars. Name and address where notices should be sent: ☐ Check box if you have never James Charles Fogo Michael N. Milby. received any notices from the Attorney at Law bankruptcy court in this case. 122 Tuam, 2<sup>nd</sup> Floor √ Check box if the address differs Houston, Texas 77006 from the address on the envelope Telephone number: 713-807-7744 sent to you by the court. Account or other number by which creditor identifies debtor: Check here No. 97V-100 Final Judgment □ replaces Austin County, Texas March 26, 2001 a previously filed claim dated: July 5, 2001. if this claim amends July 29, 2001, October 29, 2002 1. Basis for Claim □ Goods sold ☐ Retiree benefits as defined in 11 U.S.C. § 1114(a) ☐ Services performed ☐ Wages, salaries, and compensation (fill out below) □ Money loaned Your SS #: √ Personal injury/wrongful death Unpaid compensation for services performed From √ Other Injury damages, medical, future medical, lost earnings determined by judgment. 2. Date debt was incurred: 3. If court judgment, date obtained: 03-26-2002 4. Total Amount of Claim at Time Case Filed: \$19,975,941.80 plus interest and cost stated in the judgment for total liquidated judgment amount of \$28,699,753.10 If all or part of your claim is secured or entitled to priority, also complete Item 5 or 6 below. ☐ Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges. Judgment claim liquidated by order of the court and final judgment 5. Secured Claim. 6. Unsecured Priority Claim. ☐ Check this box if you have an unsecured priority claim Check this box if your claim is secured by collateral (including a Amount entitled to priority \$ right of setoff). Specify the priority of the claim: Brief Description of Collateral: ☐ Wages, salaries, or commissions (up to \$4,650),\* earned within 90 days before ☐ Real Estate ☐ Motor Vehicle filing of the bankruptcy petition or cessation of the debtor's business, whichever [] Other earlier - 11 U.S.C. § 507(a)(3). ☐ Contributions to an employee benefit plan! 1 U.S.C. § 507(a)(4). Value of Collateral: To be determined ☐ Up to \$2,100\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6). Amount of arrearage and other charges at time case filed included in ☐ Alimony, maintenance, or support owed to a spouse, former spouse, or child secured claim, if any: \$ 11 U.S.C. § 507(a)(7). ☐ Taxes or penalties owed to governmental units 11 U.S.C. § 507(a)(8). ☐ Other- Specify applicable paragraph of 11 U.S.C. § 507(a)(\_\_\_\_). \*Amounts are subject to adjustment on 4/1/04 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment. THIS SPACE IS FOR COURT USE ONLY 7. Credits: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim. 8. Supporting Documents: Attached copies supporting claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary. 9. Date-Stamped Copy: To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim. Date Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any): James C. Fogo, Attorney for Catherine Taylor and Charles
Taylor NCM 5/5/03

06/26/2002 13:26 FAX 417 782 8482 THE HERSHEWE LAW FIRM PC
JUN-26-02 09:46 AM HIPPARD LAW OFFICE 7138616566

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No. 97V-100

CATHERINE TAYLOR, INDIVIDUALLY AND AS NEXT FRIEND OF CHARLES TAYLOR, NCM

§ IN THE DISTRICT COURT OF

VS

§ AUSTIN COUNTY, T'E X A S

AMERICAN FABRITECH, INC., MIKE HICKS SR., AND LMS RENTALS, INC.

§ 155TH JUDICIAL DISTRICT

## FINAL JUDGMENT

BE IT REMEMBERED that on the <u>25th</u> day of <u>February</u> 2002, this cause was called for trial on the merits. Plaintiff, CATHERINE TAYLOR, as guardian and next friend of her son CHARLES TAYLOR, a Non Compos Mentis, appeared in person and through her attorneys. Defendants, AMERICAN FABRITECH, INC., LMS RENTALS, INC., and MICHAEL P. HICKS, SR., appeared in person and through their attorneys and announced ready for trial. A twelve person jury was selected, empaneled, and sworn, and the trial of the case proceeded with the presentation of the testimony, evidence and stipulations. After all the parties had rested, and on the 7th day of March 2002, the court submitted the case to the jury on written questions, definitions and instructions. After having retired and deliberated, the jury returned its verdict in open court on the 7th day of March 2002, which verdict the court received and ordered it filed among the papers of this cause.

It appearing to the court that under the jury's verdict and the pleadings and stipulations of the parties, all of which are incorporated herein by reference, that plaintiff should recover judgment against the :

THE HERSHEWE LAW FIRM PC

7138616566

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defendants, jointly and severally, in the amount of Twenty Million, Four Hundred Thirteen Thousand, Four Hundred and Twenty-Eight and xx/100 Dollars (\$20,413,428.00). It further appearing to the court that during the course of the trial and out of the presence and hearing of the jury, defendants made an offer of proof consisting of three (3) exhibits (Defendants' Exhibit 2, Defendants' Exhibit 3, and Defendants' Exhibit 4), the court became of the opinion that these three exhibits establish as a matter of law that defendants are entitled to an offset against the judgment in the amount of a total of \$437,486.20. It further appearing to the court that during the course of the trial, during the cross-examination of plaintiff's expert witnesses Dr. Andrew and Dr. Winkler testimony was elicited about a possible lack of resources available to plaintiff, the court became of the opinion and finds, as a matter of law, that defendants are entitled to an offset against this judgment for all governmental benefits that plaintiff has received or might receive in the future on account of his injuries, but only to the extent that subrogation is not claimed for those benefits. It is accordingly

ORDERED, ADJUDGED and DECREED that plaintiff, CATHERINE TAYLOR, AS GUARDIAN and NEXT FRIEND OF CHARLES TAYLOR, NCM, do have and recover judgment of and from defendants, AMERICAN FABRITECH, INC., LMS RENTALS, INC., and MICHAEL P. HICKS, SR., jointly and severally, damages in the amount of Twenty Million, Four Hundred Thirteen Thousand, Four Hundred and Twenty-Eight and xx/100 Dollars (\$20,413,428.00) less the offset set out above in the amount of \$437,486.20 for payments made by to Charles Taylor or for his medical care pursuant to an employee benefit plan by defendants or Clarendon Insurance Company, for the total net amount of Nineteen Million, Nine Hundred Seventy-Five Thousand, Nine Hundred Forty-One and 80/100 Dollars (\$19,975,941.80). It is further

ORDERED, ADJUDGED and DECREED that plaintiff, CATHERINE TAYLOR, AS

GUARDIAN and NEXT FRIEND OF CHARLES TAYLOR, NCM, do have and recover of and from defendants, AMERICAN FABRITECH, INC., LMS RENTALS, INC., and MICHAEL P. HICKS, SR., jointly and severally, pre-judgment interest at the rate of 10% per annum from November 14, 1997, the date suit was filed, until March 25, 2002, the day preceding the date of this judgment, for a total of Eight Million, Seven Hundred Twelve Thousand, Seven Hundred Ninety-Four and 34/100 Dollars (\$8,712,794.34) in pre-judgment interest. It is further

ORDERED, ADJUDGED and DECREED that plaintiff, CATHERINE TAYLOR, AS GUARDIAN and NEXT FRIEND OF CHARLES TAYLOR, NCM, do have and recover of and from defendants, AMERICAN FABRITECH, INC., LMS RENTALS, INC., and MICHAEL P. HICKS, SR., jointly and severally, her court costs in the amount of \$11,017.04. All costs incurred by defendants and any unpaid costs are taxed against defendants, jointly and severally. It is further

ORDERED, ADJUDGED and DECREED that this judgment, which with interest and court costs totals \$28,699,753.18, shall bear interest at the rate of 10%, compounded annually from the date of this judgment, March 26, 2002, until paid. It is further

ORDERED, ADJUDGED and DECREED that defendants AMERICAN FABRITECH, INC., LMS RENTALS, INC., and MICHAEL P. HICKS, SR. be and they hereby are granted an additional joint and several offset or credit against this judgment for any governmental benefit that defendants demonstrate that CHARLES TAYLOR received before or after the rendition of this judgment; provided, that no offset or credit shall be given for any benefits for which a subrogation claim is made, by the government.

All relief not specifically granted herein is denied. This judgment finally disposes of all parties and all claims and is appealable

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Plaintiff announced that she excepts to those portions of this judgment that grant defendants an offset or credit for amounts allegedly paid pursuant to an alleged employee benefit plan and that grant an offset or credit for governmental benefits received by plaintiff in the past or which he may receive in the future, which exception the court duly noted.

The date of rendition of this judgment is March 26, 2002, except for purposes of determining post-judgment and appellate timetables, which shall commence on the date this judgment is signed.

SIGNED THIS 25 day of Juve

\_ 2002.

JUDGE PRESIDING

APPROVED AS TO FORM ONLY:

LAW OFFICE OF ROBERT OBERHOLTZER
A Professional Corporation

DODGE, FAZIO, ANDERSON & JONES

Robert (Bob) Oberholtzer
Texas Bar #15161700
1100 Leeland Street, Suite 275
Houston, Texas 77002-7618
Telephone: 713-664-2011
Fax 713-861-6566
OF COUNSEL FOR PLAINTIFF

HERSHEWE LAW FIRM, PC Ed Hershewe MO Bar #27641 Daniel R. DeFoe MO Bar # 35523 431 Virginia Joplin, MO 64801-2399 Phone: 417-641-3790 Fax: 417-782-8482

ATTORNEYS FOR PLAINTIFF

Jerry Fazio
Texas Bar #06870010
5400 LBJ Freeway, Suite 800
Dallas, TX 75240
Phone 800-947-0177
Fax #800-947-0480
ATTORNEYS FOR DEFENDANT

FILED

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UISTRICT CLERK
AUSTIN COUNTY TEXAS

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### Case 01-31223 Document 86 Filed in TXSB on 05/08/03 Page 7 of 18

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United States Courts Southern District of Texas FILED

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IN THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

Michael N. Milby, Clerk

IN RE:	§	
	§	CASE NO. 01-31223-H4-13
MICHAEL PORTER HICKS, SR.	§	
and CAROLYN SUE HICKS,	§	CHAPTER 13 PROCEEDING
105 Bartlett Road	Š	
Sealy, Texas 77474	§	
•	. 8	
Debtors.	§	

# CATHERINE TAYLOR INDIVIDUALLY AND AS NEXT FRIEND FOR CHARLES TAYLOR, NCM SECOND AMENDED CHAPTER 13 CLAIM

### TO THE COURT:

Now comes Catherine Taylor individually and as next friend for Charles Taylor, NCM, to submit the final judgment for \$28,699,753.18 as proof for the second amended claim filed July 9, 2001 as attached.

Respectfully submitted,

JAMES CHARLES FOGO

State Bar No. 07207520

Fed. Adm. I.D. No. 4187

122 Tuam

Houston, Texas 77006

713-807-7744

Fax 713-807-0030

Attorney for Claimants

FORM B10 (Official Form 10)

FORM B10 (Official Form 10) (AULT)	<del></del>	and the second of the second o
UNITED STATES BANKRUPTCY COURTSOUTHERN_	DISTRICT OF TEXAS	PROOFOFCLAIM
Name of Debtor Michael Porter Hicks Sr. Carolyn Sue Hicks	Case Number 01-31223-H4-13	United States Courts Southern District of Texas FILED
NOTE: This form should not be fused to make a sclaim for an administrative of the case as A Trectiest a for payment of an administrative jet pense may be	ve expense minsing wifer the commencement	()
Name of Creditor (The person or other entity to whom the debtor owes money or property): Catherine Taylor individually and as nextof Friend and guardian for Charles Taylor NCM	Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.	OCT 2 9 2002 I
Name and address where notices should be sent:  James Charles Fogo 122 Tram 2nd floor Houston, Texas 77006 Telephone number: 713 807-7744 Account or other number by which creditor identifies debtor:	Check box if you have never received any notices from the bankruptcy court in this case.  Check box if the address differs from the address on the envelope sent to you by the court.  Check here	THIS SPACE IS FOR COURT USE ONLY
	if this claim	filed claim, dated: <u>July 5/001</u> July 29/2001
1. Basis for Claim  ☐ Goods sold ☐ Services performed ☐ Money loaned ☐ Personal injury/wrongful death ☐ Taxes ☐ Other Lost wages medical future medical	Retiree benefits as defined in Wages, salaries, and company Your SS #: 487 88  Unpaid compensation for 12.96	ensation (fill out below)  3178 services performed  to 06 2001
2. Date debt was incurred:	3. If court judgment, date obt	(date)
<ul> <li>4. Total Amount of Claim at Time Case Filed:         If all or part of your claim is secured or entitled to priority, al         Check this box if claim includes interest or other charges in add of all interest or additional charges.     </li> </ul>	\$ \$19,975,941.80 plus in so complete them 5 of 60000. ame lition to the principal amount of the cla	terest and Cost for a total out of 128,699, 753.10
5. Secured Claim.  Check this box if your claim is secured by collateral (including a right of setoff).  Brief Description of Collateral:  Real Estate	filing of the bankruptcy petition or c	ecured priority claim
Value of Collateral: \$ 10 St OFFERMINED  Amount of arrearage and other charges at time case filed included in secured claim, if any: \$	Up to \$2,100° of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6).  Alimony, maintenance, or support owed to a spouse, former spouse, or child - 11 U.S.C. § 507(a)(7).  Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8).	
7. Credits: The amount of all payments on this claim	has been credited and	THIS SPACE IS FOR COURT USE ONLY
8. Supporting Documents: Attach copies of supporting promissory notes, purchase orders, invoices, itemized accounts, contracts, court judgments, mortgages, sec of perfection of lien. DO NOT SEND ORIGINAL Dare not available, explain. If the documents are volu 9. Date-Stamped Copy: To receive an acknowledgment enclose a stamped, self-addressed envelope and copy.  Sign and print the name and title, if any, of the cree.	d documents, such as d statements of running curity agreements, and evidence OCUMENTS. If the documents minous, attach a summary, ent of the filing of your claim, of this proof of claim.	
this claim (attach copy of power of attorney, if any in this claim (attach copy of power of attorney 47 and Charles Taylor  Penalty for presenting fraudulent claim: Fine of up to \$500,000		

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### IN THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

IN RE:	§	CASE NO. 01-31223-H4-13
MICHAEL PORTER HICKS, SR.	§ &	CHAPTER 13 PROCEEDING
and CAROLYN SUE HICKS,	8 8	CHAI TER 13 I ROCLEDING
105 Bartlett Road	§	
Sealy, Texas 77474	§	
Debtors.	§	

# CATHERINE TAYLOR AND CHARLES TAYLOR AMENDED CHAPTER 13 CLAIM

### TO THE COURT:

Now comes Catherine Taylor individually and as next friend for Charles Taylor, NCM, to submit proof for the amended claim filed July 9, 2001 as attached.

US SO THE 8: 56 US, COURTS WITHERN DISTRIPS OF TENES

Respectfully submitted,

JAMES CHARLES FOGO

122 Tuam

Houston, Texas 77006

713-807-7744

Telecopier 713-807-0030

State Bar No. 07207520

Fed. Adm. I.D. No. 4187

ATTORNEY FOR MOVANT

07/JUL\_23 '01. 05:29PM OBERF TZER LAW OFFCE 7136642011'

សាពល

(3-88) United States Bankruptcy Court  Southern pierrier of Texas	PROOF OF CLAIM	
Houston Division  Name of Deblor Linking of Porter Hicks St.	Bankruptcy Case No.	
Manage Milerial Colins	•	
Carolyn Sue Hicks	01-31223-44-13	
A. CREDITOR INFORMA	ATION	
(The creditor is the person or other antity to whom the	deblor awae money or properly)	
Harrie and Address of Creditor Charles Taylor NCM SSH. 487-88-3178	Or Check box if you never received any notices from the bankruptcy court in this cana.	
chtherine Taylor Indianogist ser	Check box if this address differs from the address on the envelope sent to you by the court.	
Go Robert Oberholtzer west, suite boo	Check box and attach copy of assignment if claim has been assigned to you.	
Itouston, TX 77054		This space is for Court use only
Number by which creditor identifies debtor.	Check here if this claim @ amends a previously proplements	1020-FQbalsh misls belify
B. CLA	IM INFORMATION	
1. BASIS FOR CLAIM:	Wages, Szierlee and Commissions	(Litt ont phion) 2138
☐ Gnods purchased	tod focial sectard whites are	12-96 606.3001
C Services performed	Unpaid pervices (Describe brief) Nature of services (Describe brief)	
G Manies journed	NEGLIA OF RELATEON (PARCINGS PRIATE)	" - TIC - Ca
Other forms of contract (identify)     Personal injury/Wrongful death/Property damage		
Brother Describe priestry Lost wages Medica	) <sub>c</sub>	MEC 6
		<u> </u>
2. DATE DEST WAS INCURRED:		
		- CO
2. CLASSIFICATION OF CLAIM: Under the Benkruptcy Code all claims are cle it is possible for a cloim to be partly in one category and partly in another—nonpriority claim for the belance. Classify the nature of the claim by CHEC STATE THE AMOUNT OF THE CLAIM, \$743,913,81 Liquida (CC)	erich at ware claim which may he a bridrity claim t	Di IIID MIET POTON TIIG 41, 01/2004140 1
ED UNSECURED MONPRIORITY CLAIM \$ 31,803,339.00 unliquid to For the purposes of this form, a dialin is unsecured if there is no collected, or to the extent the value of collected is less than the amount of the debt.	PRIORITY CLAIM 8  Specify the priority of the claim by checking to Wages, salaries of commissions (up to \$2000, filing of the bankruptcy pelition or cessation is earligh—11 U.S.C. \$507(8)(3)	. Solited from them shows tool between
D SECURED CLAIM &  Attach evidence of perfection of security  Brief Description of Collegensi:  D Real Estate — Motor Yehicle — Other	Contributions to an employee benefit plan- Up to \$900 of deposits toward purchase, fer for personal, (amily or household use—11) Taxes or penalties of governmental units— Omer specify:	me" or letter of broberth or 2514104#
4 TOTAL AMOUNT OF GLAIM: = 743,913,81 . 6	(Becured) (Priority)	31,863.73,81 Figures
<ol> <li>Attach copies of documents in support of this claim, such as purchase of accounts, contracts, court judgments, or evidence of security interests, if the uments are voluminates, attach a summary.</li> </ol>	orders, involces, itemized statements of running socuments are not available, explain. If the doc-	THIS SPACE IS: FOR COURT USE ONLY
i. This form should not be used to make a staim for expanses incurred effer the filling of the bankruptcy petition. Such expenses may be daild only upon proper application and notice pursuent to 11 U.S.C. \$501.		
. CREDITS AND SETOFFS: Attach an itemization of all amounts and dates of payments which have been credited against he debt. Set forth any setoff or counterclaim which the debtor may have against your disim.		
8. To receive an acknowledgment of the receipt of your dialm, enclose a stamped, self-addressed envelope and a copy of your dialm.		
C. CERTIFICATION		
The undersigned ecrifics under penalty of perjury that the debter named a thown, that there is no security for the debt other than that stated above or i interest is included, and that the undersigned is softenized to make this so	n an attachment to this form, that no unmatured	
Bign and Print the Name and Title, if any	Tames Fego Att 1 122 Tunn	m (eraces copy of power of aromay, it earl

. :	-		
B-19 (1-88) United States Bankruptcy Court  Southern District of Texas  Houston Division	PROOF OF CLAIM		
Name of Deblor Michael Porter Hicks Sr. Carolyn Suc Hicks	Bankruptcy Case No. 01-31223-H4-13		
A. CREDITOR INFORMA	NOITA		
(The creditor is the person or other entity to whom the	debtor owes money or property)		
Name and Address of Creditor	Check box if you never received any notices		
Charles Taylor NCM 55N 407-88-3178 Catherine Taylor individually next of time Go Robert Oberholtzer 2656 South Loop West Suite 600	from the bankruptcy court in this case.  Check box if this address differs from the address on the envelope sent to you by the court.		
Houston, Texas 77054	Check box and attach copy of assignment If claim has been assigned to you.		
	<u>.</u>	THIS SPACE IS FOR COURT USE ONLY	
Number by which creditor identifies debtor:	☐ replaces Check here If this claim ☐ amends—a previously ☐ supplements	y-filed claim dated:	
B. CLA	IM INFORMATION		
1. BASIS FOR CLAIM:	Wages, Salaries and Commissions	(Fill out below)	
☐ Goods purchased	Your social security number	+87-08-317B	
☐ Services performed	Unpaid services performed from		
<ul> <li>☐ Monies loaned</li> <li>☐ Other forms of contract (identify)</li> </ul>	Nature of services (Describe briefly Charles Taybr	n Labor	
Personal injuryWrongful death/Property damage	/		
Other (Describe briefly) Lost Wages Medical			
3. CLASSIFICATION OF CLAIM: Under the Bankruptcy Code all claims are cla	each month thereafter assilied as one or more of the following: (1) Unsecure	d nonpriority, (2) Priority, (3) Secured.	
It is possible for a claim to be partly in one category and partly in another—nonpriority claim for the balance. Classify the nature of the claim by CHEC STATE THE AMOUNT OF THE CLAIM. 1742,438, 97 Liquidated	-such as wage claim which may be a priority claim f KING THE APPROPRIATE BOX OR BOXES which y	or the first \$2,000 and an unsecured	
EP UNSECURED NONPRIORITY CLAIM'S 28,500,000. Unliquidate For the purposes of this form, a claim is unsecured if there is no collateral, or to the extent the value of collateral is less than the amount of the debt.	Specify the priority of the claim by checking to Wages, salaries or commissions (up to \$2000, filing of the bankruptcy petition or cessation is earlied—11 U.S.C. \$507(a)(3)	earned not more than 90 days before of the debtor's business, whichever	
☐ SECURED CLAIM S	☐ Contributions to an employee benefit plan—☐ Up to \$900 of deposits toward purchase, lest for personal, family or household use—11☐ Taxes or penalties of governmental units—☐ Other specify:	ase, or rental of property or services U.S.C. §507(a)(6)	
4. TOTAL AMOUNT OF CLAIM: \$ 742,438,97 + \$	(Secured) + \$(Priority)	= 5 742 438 97 \$28 500 00 40 40 40 40	
Unliquidated 728,500 p. 5. Attach copies of documents in support of this claim, such as purchase of	orders invoices itemized statements of tunning 1	THIS SPACE IS FOR	
accounts, contracts, court judgments; or evidence of security interests. If the documents are not available, explain. If the documents are voluminous, attach a summary.			
<ol> <li>This form should not be used to make a claim for expenses incurred after senses may be paid only upon proper application and notice pursuant to t</li> </ol>			
CREDITS AND SETOFFS: Attach an Itemization of all amounts and dates of payments which have been credited against he debt. Set forth any setoff or counterclaim which the debtor may have against your claim.			
CREDITS AND SETOFFS: Attach an Itemization of all amounts and dates of payments which have been credited against he debt. Set forth any setoff or counterclaim which the debtor may have against your claim.  To receive an acknowledgment of the receipt of your claim, enclose a stamped, self-addressed envelope and a copy of our claim.			
C. CERTIFICATION			
he undersigned certifies under penalty of perjury that the debtor named a hown, that there is no security for the debt other than that stated above or i iterest is included, and that the undersigned is authorized to make this c	in an attachment to this form that an examples of		

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# Charles Taylor Detail of Liquidated Damages

Date	Provider	Amount
12/02/1996	Otolaryngology	135.00
12/04/1996	Surgery (	128,00
12/11/1996	Surgery	1,860.00
12/14/1997	Radiology	305.60
12/09/1997	Radiology	594,60
December 1996	Radiology	357.25
December1996	Mo Rehabilitation	1,100.00
12/02/1996	Hermann Hospital	548,25
12/02/1996	Hermann Hospital	5,972.22
12/03/1998	GAB Robins Inl & Rehabilitation M	1,686.59
12/23/1996	Internal Medicine	125.00
12/03/1996	Anesthesiology	2,176.00
12/09/1996	Anesthesiology	1,766.00
12/11/1996	Surgery :	681.00
12/28/1996	Radiology	180.00
12/20/1996	Radiology	27.00
12/04/1998	Radiology	54.00
January 1997	MO Rehabilitation Center	26,390.99
12/19/1998	GAB Robins Inj. & Rehabilitation M	1,963.55
12/02/1996	Orthopaedic Surgeons	3,212.00
12/02/1996	Anesthesiology	3,332.00
12/16/1998	Anesthesiology	2,924.00
12/23/1996	Anesthesiology	644.00
12/02/1997	Radiology	515.00
12/02/1997	Rediology	461.00
01/03/1997	GAB Robins Inj. & Rehabilitation M	2,076.59
03/13/1997	GAB Robins Inj. & Rehabilitation M	936.96
03/07/1997	GAB Robins Inj.& Rehabilitation M	920.53
February 1997	MO Rehabilitation Center	15,400.00
March 19997	MO Rehabilitation Center	17,050.00
April 1997	MO Rehabilitation Center	18,500.00
04/04/1997	GAB Robins Inj. & Rehabilitation M	797.42
12/20/1997	Ameristat ;	6,517.00
12/02/1996	Austin Co. EMS	1,427.50

Date	Provider	Amount
12/03/1996	Hermann Univ. Eye Associates	622,00
12/13/1996	Internal Medicine	23.00
May 1997	MO Rehabilitation Center	21,080.45
June 1997	MO Rehabilitation Center	16,500.00
06/27/1997	GAB Robins Inj. & Rehabilitation M	1,336.35
07/21/1997	The Mobility Store	3,211.70
05/15/1997	Vision Enhancement Clinic	304.00
August 1997	MO Rehabilitation Center	9,350.00
August 1997	MO Rehabilitation Center	4,200.00
September 1997	MO Rehabilitation Center	800.00
June 1997	MO Rehabilitation center	3,300.00
August 1997	MO Rehabilitation Center	1,870.00
August 1997	MO Rehabilitation Center	840.00
12/01/1997	Lindsey Morden Claim Service	134.12
September_1997	MO Rehabilitation Center	8,000.00
July 1997	MO Rehabilitation Center	17,050.00
October 1997	MO Rehabilitation Center	9,300.00
November 1997	MO Rehabilitation Center	8,280.00
December 1996	Hermann Hospital	255,133.86
December 1996	Hermann Hospital	80,248.42
January 1998	Vision Enhancement Clinic	122.00
January 1998	Vision Enhancement Clinic	122.00
01/23/1998	Med Supplies	70.12
01/23/1998	Med Supplies	180.50
01/30/1998	Med Supplies	17.75
01/30/1998	Drugs Charged	1,049.84
02/01/1898	28 days RBN	4,200.00
02/29/1998	Med Supplies	18.22
03/01/1998	28 Days RBN	4,650.00
03/04/1998	Beauty Shop	5.00
03/30/1998	Med Supplies	128,00
04/01/1998	30 Days RBN	4,500.00
04/30/1998	Med Supplies	7.59
05/01/1998	32 Days RBN	300.00
05/12/1998	20 days RBN	1,740.00
	- <del> </del>	

Date			, , , , , , , , , , , , , , , , , , ,
06/30/1998         Med Supplies           07/01/1998         31 Days RBN         3,0           07/15/1998         Med Supplies         7           07/31/1998         31 Days RBN         3,0           08/01/1998         31 Days RBN         3,0           08/01/1998         31 Days RBN         3,0           08/01/1998         30 Days RBN         3,0           09/16/1998-         Seml-Private Room         1,1           08/30/1998         Seml-Private Room         2,4           10/01/1998-         Seml-Private Room         2,4           10/03/1998         Trach and Supplies         1           10/29/1998         Tube Feeding         1           10/29/1998         Miscellaneous Supplies         1           11/03/1998         Tube Feeding         7           11/10/1998         Catheter and Supplies         1           11/10/1998         Catheter and Supplies         1           11/10/1998         Catheter and Supplies         1           11/10/1998         Catheter and Rehabilitation         7           11/11/1998         Carthage Health and Rehabilitation         7           01/01/1999         Carthage Health and Rehabilitation         7		Provider	Amount
07/01/1998   31 Days RBN   3,0	06/01/1998	30 Days RBN	2,610.00
07/15/1998         Med Supplies         7           07/31/1998         31 Days RBN         3,0           08/01/1998         31 Days RBN         3,1           08/01/1998         30 Days RBN         3,0           09/01/1998         30 Days RBN         3,0           09/30/1998         Seml-Private Room         1,1           10/01/1998- 10/31/1998         Seml-Private Room         2,4           10/03/1998         Trach and Supplies           10/10/1998         Surgical Dressing           10/21/1998         Catheter and Supplies           10/29/1998         Tube Feeding           11/03/1998         Tube Feeding           11/03/1998         Tube Feeding           11/103/1998         Catheter and Supplies           11/103/1998         Catheter and Supplies           11/103/1998         Catheter and Supplies           11/103/1998         Catheter and Rehabilitation         7           11/103/1998         Carthage Health and Rehabilitation         7           12/01/1998-         Carthage Health and Rehabilitation         7           1997         30,4           1998         31,3           1999         32,2           2000         32,2 <td>06/30/1998</td> <td>Med Supplies</td> <td>21.02</td>	06/30/1998	Med Supplies	21.02
07/31/1998         Med Supplies           08/01/1998         31 Days RBN         3,0           08/01/1998         30 Days RBN         3,1           09/01/1998         30 Days RBN         3,0           09/30/1998         SemI-Private Room         1,1           10/01/1998-09/30/1998         SemI-Private Room         2,4           10/03/1998         Trach and Supplies           10/10/1998         Surgical Dressing           10/21/1998         Catheter and Supplies           10/29/1998         Miscellaneous Supplies           11/01/1998-1/1/30/1998         Semi-Private Room         7           11/03/1998         Tube Feeding         7           11/17/1998         Miscellaneous Supplies         11/17/1998           11/17/1998         Miscellaneous Supplies         11/17/1998           11/17/1998         Cartheter and Supplies         12/01/1998-12/31/1998         6           11/17/1998         Carthage Health and Rehabilitation         7           11/17/1999-1/31/1999         Carthage Health and Rehabilitation         7           1997         30,4           1998         31,3           1999         32,2           2000         32,2	07/01/1998	31 Days RBN	3,007.00
08/01/1998         31 Days RBN         3,0           08/01/1998         31 Days RBN         3,1           09/01/1998         30 Days RBN         3,0           09/16/1998-09/30/1998         SemI-Private Room         1,1           10/01/1998-10/31/1998         SemI-Private Room         2,4           10/03/1998         Trach and Supplies         1           10/10/1998         Surgical Dressing         1           10/29/1998         Tube Feeding         1           10/29/1998         Miscellaneous Supplies         1           11/01/1998-11/30/1998         Semi-Private Room         7           11/103/1998         Tube Feeding         1           11/17/1998         Miscellaneous Supplies         1           11/17/1998         Cartheter and Supplies         1           11/17/1998         Cartheter and Supplies         1           11/17/1998         Carthage Health and Rehabilitation         7           01/01/1999-01/31/1999         Carthage Health and Rehabilitation         7           01/01/1999-01/31/1999         2,1           December 1996         2,1           1998         31,3           1999         32,2           2000         32,2 <td>07/15/1998</td> <td>Med Supplies</td> <td>704.65</td>	07/15/1998	Med Supplies	704.65
08/01/1998         31 Days RBN         3,1           09/01/1998         30 Days RBN         3,0           09/16/1998- 09/30/1998         Seml-Private Room         1,1           10/01/1998- 10/03/1998         Seml-Private Room         2,4           10/03/1998         Trech and Supplies         10/10/1998           10/10/1998         Surgical Dressing         1           10/29/1998         Tube Feeding         1           10/29/1998         Miscellaneous Supplies         7           11/03/1998         Tube Feeding         7           11/13/1998         Catheter and Supplies         11/17/1998           11/17/1998         Miscellaneous Supplies         12/231/1998           12/01/1998- 12/31/1998         Carthage Health and Rehabilitation         7           01/01/1999- 01/31/1999         Carthage Health and Rehabilitation         7           MEDICAL         699,2           Lost Wages         2,1           1998         31,3           1999         32,2           2000         32,2	07/31/1998	Med Supplies	4.26
09/01/1998         30 Days RBN         3,0           09/18/1998- 09/30/1998         Semi-Private Room         1,1           10/01/1998- 10/31/1998         Semi-Private Room         2,4           10/10/31/1998         Trach and Supplies         2,4           10/10/1998         Surgical Dressing         10/10/1998           10/21/1998         Catheter and Supplies         1           10/29/1998         Miscellaneous Supplies         7           11/03/1998         Semi-Private Room         7           11/03/1998         Tube Feeding         7           11/13/1998         Catheter and Supplies           11/13/1998         Catheter and Supplies           11/17/1998         Miscellaneous Supplies           12/01/1998- 12/31/1998         Carthage Health and Rehabilitation         7           01/01/1999- 01/31/1999         Carthage Health and Rehabilitation         7           MEDICAL         699,2           Lost Wages         2,1           1998         31,3           1999         32,2           2000         32,2	08/01/1998	31 Days RBN	3,007.00
09/18/1998   Semi-Private Room   1,1	08/01/1998	31 Days RBN	3,100.00
08/30/1998   10/01/1998   Semi-Private Room   2,4	09/01/1998	30 Days RBN	3,000,00
10/31/1998   Trach and Supplies   10/10/1998   Surgical Dressing   10/21/1998   Catheter and Supplies   1 10/29/1998   Tube Feeding   10/29/1998   Miscellaneous Supplies   1 1/01/1998   Semi-Private Room   7 1/30/1998   Tube Feeding   11/03/1998   Tube Feeding   11/13/1998   Catheter and Supplies   11/13/1998   Catheter and Supplies   11/17/1998   Miscellaneous Supplies   12/01/1998   Carthage Health and Rehabilitation   7 1/31/1998   Carthage Health and Reha		Seml-Private Room	1,170.00
10/10/1998   Surgical Dressing   10/21/1998   Catheter and Supplies   1   10/29/1998   Tube Feeding		Semi-Private Room	2,418.00
10/21/1998	10/03/1998	Trach and Supplies	3.12
10/29/1998         Tube Feeding           10/29/1998         Miscellaneous Supplies           11/01/1998-11/30/1998         Semi-Private Room         7           11/03/1998         Tube Feeding         11/13/1998           11/13/1998         Catheter and Supplies         11/17/1998           12/01/1998-12/31/1998         Carthage Health and Rehabilitation         7           01/01/1999-01/31/1999         Carthage Health and Rehabilitation         7           MEDICAL         599,2           Lost Wages         2,1           1998         31,3           1999         32,2           2000         32,2	10/10/1998	Surgical Dressing	6.20
10/29/1998   Miscellaneous Supplies	10/21/1998	Catheter and Supplies	177.12
11/01/1998-11/30/1998       Semi-Private Room       7         11/03/1998       Tube Feeding       11/13/1998         11/13/1998       Catheter and Supplies       11/17/1998         12/01/1998-12/31/1998       Carthage Health and Rehabilitation       7         01/01/1999-01/31/1999       Carthage Health and Rehabilitation       7         MEDICAL       699,2         December 1996       2,1         1998       31,3         1999       32,2         2000       32,2	10/29/1998	Tube Feeding	14.64
11/30/1998       Tube Feeding         11/13/1998       Catheter and Supplies         11/17/1998       Miscellaneous Supplies         12/01/1998-12/31/1998       Carthage Health and Rehabilitation       7         01/01/1999-01/31/1998       Carthage Health and Rehabilitation       7         MEDICAL       599,2         Lost Wages       2,1         1997       30,4         1998       31,3         1999       32,2         2000       32,2	10/29/1998	Miscellaneous Supplies	2.34
11/13/1998   Catheter and Supplies		Semi-Private Room	722.36
11/17/1998       Miscellaneous Supplies         12/01/1998-12/31/1998       Carthage Health and Rehabilitation       7         01/01/1999-01/31/1999       Carthage Health and Rehabilitation       7         MEDICAL       599,2         Lost Wages       2,1         1997       30,4         1998       31,3         1999       32,2         2000       32,2	11/03/1998	Tube Feeding	33.97
12/01/1998         Carthage Health and Rehabilitation         7           01/01/1999- 01/31/1998         Carthage Health and Rehabilitation         7           MEDICAL         599,2           Lost Wages         2,1           1997         30,4           1998         31,3           1999         32,2           2000         32,2	11/13/1998	Catheter and Supplies	36.72
12/31/1998	11/17/1998	Miscellaneous Supplies	23.40
01/31/1998       699,2         Lost Wages         December 1998       2,1         1997       30,4         1998       31,3         1999       32,2         2000       32,2		Carthage Health and Rehabilitation	722,36
Lost Wages  December 1998 2,1  1997 30,4  1998 31,3  1999 32,2  2000 32,2		Carthage Health and Rehabilitation	734.36
December 1998 2,1 1997 30,4 1998 31,3 1999 32,2 2000 32,2	MEDICAL		699,261.81
1997       30,4         1998       31,3         1999       32,2         2000       32,2	Lost Wages		
1997     30,4       1998     31,3       1999     32,2       2000     32,2	December 1996	· ,	2,142.00
1998 31,3 1999 32,2 2000 32,2			30,436.00
1999 32,2 2000 32,2			31,349.00
2000 32,2	·		32,290.00
			32,290.00
,			16,145.00
Lost Wages 144,6	144,662.00		
		lages	743,913.81

Case 01-31223 Document 86 Filed in TXSB on 05/08/03 Page 15 of 18
JUL 23 '01 05:38PM OBEPUOLTZER LAW OFFCE 7136642011 P.7/7

# Charles Taylor Outline of Unliquidated Damages

Future Loss of Earning Capacity (Present Value)	1,213,347.00
Future Medical Expenses (Life Care Plan) (Present Value)	20,648,892.00
Pain, Suffering, Physical Impairment, Loss of Enjoyment of Life (Estimated)	10,000,000.00
Total Unliquidated Damages	31,862,239.00

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## IN THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

IN RE:	§	CASE NO. 01-31223-H4-13
MICHAEL PORTER HICKS, SR. and CAROLYN SUE HICKS, 105 Bartlett Road Sealy, Texas 77474 Debtors.	\$1 60 60 60 60 60 G	CHAPTER 13 PROCEEDING

# **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Catherine Taylor and Charles Taylor Amended Chapter 13 Claim was served by United States Mail, Postage Pre-Paid as follows:

DATE OF SERVICE:

7-29-01

TO: United States Trustee
515 Rusk Avenue, Suite 3516
Houston, Texas 77002

William Heitkamp Chapter 13 Trustee 9821 Katy Freeway, Suite 590 Houston, Texas 77024 Jane Grand

JAMES CHARLES FOGO

Fax 713-465-4643 Michael Porter Hicks, Sr. Carolyn Hicks c/o George O. Mejlaender, Attorney P.O. Box 801261 Houston, Texas 77280-1261

#### C:VOFFICEVDOCS\101402JF/TAYLOR

### IN THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

IN RE:	§	
	§	CASE NO. 01-31223-H4-13
MICHAEL PORTER HICKS, SR.	§	
and CAROLYN SUE HICKS,	§	CHAPTER 13 PROCEEDING
105 Bartlett Road	§	
Sealy, Texas 77474	§ .	
	§	
Debtors.	§	

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Catherine Taylor and Charles Taylor Second Amended Chapter 13 Claim was served by United States Mail, Postage Pre-Paid as follows:

TO: United States Trustee 515 Rusk Avenue, Suite 3516 Houston, Texas 77002

> William Heitkamp Chapter 13 Trustee 9821 Katy Freeway, Suite 590 Houston, Texas 77024

> Catherine Taylor, individually as Next Friend For Charles Taylor, NCM Ed Hershewe Hershewe Law Firm, P.C. 431 Virginia Joplin, Missouri 64801-2399

Fax 713-465-4643 Michael Porter Hicks, Sr. Carolyn Hicks c/o George O. Mejlaender, P.O. Box 801261 Houston, Texas 77280-1261

### IN THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

IN RE:	§	
	§	CASE NO. 01-31223-H4-13
MICHAEL PORTER HICKS, SR.	§	
and CAROLYN SUE HICKS,	§	CHAPTER 13 PROCEEDING
105 Bartlett Road	§	
Sealy, Texas 77474	§	
	§	
Debtors.	§	

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Catherine Taylor and Charles Taylor Third Amended Chapter 13 Claim was served by United States Mail, Postage Pre-Paid as follows:

DATE OF SERVICE:	5 amerifectes
5-8-03	JAMES CHARLES FOGO

TO: United States Trustee 515 Rusk Avenue, Suite 3516 Houston, Texas 77002

> William Heitkamp Chapter 13 Trustee 9821 Katy Freeway, Suite 590 Houston, Texas 77024

> Catherine Taylor, individually as Next Friend For Charles Taylor, NCM Ed Hershewe Hershewe Law Firm, P.C. 431 Virginia Joplin, Missouri 64801-2399

Fax 713-465-4643 Michael Porter Hicks, Sr. Carolyn Hicks c/o George O. Mejlaender, Attorney at Law P.O. Box 801261 Houston, Texas 77280-1261